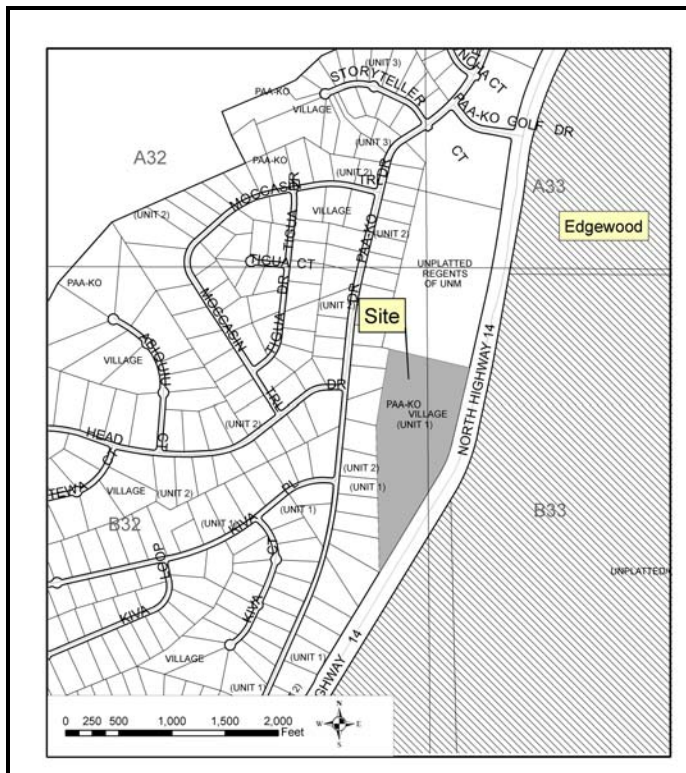


<b>Applicant:</b>	Mountain Ranch Ltd. Partners
<b>Agent:</b>	Consensus Planning
<b>Location:</b>	Paa Ko Village, Unit 1, west of N. State Highway 14
<b>Property Size:</b>	Approximately 24.93 acres
<b>Existing Zone:</b>	A-2
<b>Proposed Request:</b>	Special Use Permit for a (Private) Utility Facility for a Wastewater Treatment Plant
<b>Recommendation:</b>	Approval



**Summary:** The applicant is requesting Special Use Permit to allow the construction and operation of a wastewater treatment plant. This request was submitted as a subsequent action of the approved Paa-Ko Master Plan (SPR-40007).

**Staff Planner:** Mari Simbaña, Program Planner

- Attachments:**
1. Application
  2. Land Use and Zoning Maps
  3. Letter from New Mexico Environment Department
  4. Letter from Neighborhood Association
  5. Site Plan (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from Aug. 29, 2006 to Sept. 11, 2006.

Agency comments were used verbatim in preparation of this report, and begin on page 13.

**AGENDA ITEM NO.: 22**  
**County Planning Commission**  
**October 4, 2006**

CSU-60038 Consensus Planning, agent for Mountain Ranch Ltd. Partnership, requests approval of a Special Use Permit for a (Private) Utility Facility for a wastewater treatment plant, located on Tract B, Unit 1, Paa-Ko Village, west of North State Highway 14, south of the unplatted Regents of UNM and east of Lots 157 – 165, Unit 2, zoned A-2, containing approximately 24.93 acres. (B-32)

**AREA CHARACTERISTICS AND ZONING HISTORY**

**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land Use</b>
	A-2	Paa-Ko Village
<b>North</b>	A-2	Vacant
<b>South</b>	A-2	Paa-Ko Village
<b>East</b>	A-2 Public Roadway	Vacant North Highway 14
<b>West</b>	A-2	Paa-Ko Village

## **BACKGROUND:**

### **The Request**

The applicant is requesting a Special Use Permit for a private utility facility to replace the failing wetlands system.

The Mountain Ranch Master Plan was adopted by the Board of County Commissioners on December 20, 1988 (SDC-87-2). The plan covered 3,656 acres and allowed 1400 dwellings or a density of 1 dwelling unit per 2.5 acres. Commercial and community uses would encompass 32 acres and there would be 790 acres of 'private open space'.

A Special Use Permit for predominantly residential development with a small quantity of non-residential development in the Paa-Ko development's first phase was approved by the Board of County Commissioners on February 21, 1989 (CSU-89-13). Subsequently a subdivision was approved in 1989 (SC-89-1).

Canyon Ridge Estates subdivision on Tract C was approved in 1993 (SC-92-1). The Board of County Commissioners approved a request for subdivision for Canyon Ridge Estates Phase 1, Units 3 in February 1996. A site plan for a County community center was also approved in 1996.

On December 17, 1996, the Board of County Commissioners approved a Special Use Permit for a Golf Course and ancillary uses (CSU-96-28). The conditions required the applicant to submit a detailed course design, design it for minimal water consumption, include the 'Old Windmill Arroyo' natural drainage channel in the design, get approval from the State Environment Department for the use of effluent for irrigation, and resolve water use and water rights issues with the Office of the State Engineer. The Master Plan was signed in January 1997.

At the February 22, 2005 public hearing, the Board of County Commissioners voted to approve an amendment to the existing Master Plan (SPR-40007) and Special Use Permit (CSU-40036). The main purpose for the change was to add accommodations associated with the golf course. During this process, it was discovered that the wetlands system was failing and would have to be replaced by a new wastewater system.

Presently, there are over 200 homes constructed at Paa-Ko and many lots are sold but not yet developed. Build-out is at 1440 residential units. Average residential density is 2.5 acres per lot. Lots range in size from one acre and larger (up to 25 acres). The golf course, a clubhouse, and parking are in place.

### **Request Justification**

The Master Plan intended a wetlands system as the means of treating wastewater. By 2004, it was clear that the wetlands system was failing. The applicant wishes to comply with State and County requirements to replace the failing system with a wastewater treatment facility.

### **Surrounding Land Use and Zoning**

To the south, and west are Paa-Ko's residential properties. Most of these are vacant. To the north is an approximately 30-acre undeveloped property recognized as *Paako Ruins* and owned by the Regents of the UNM Real Estate Office. Immediately west is NM Highway 14 and Campbell Ranch.

## **APPLICABLE PLANS AND POLICIES:**

### **Albuquerque/Bernalillo County Comprehensive Plan**

**Policy 3** The stated Goal of the Rural Area is, "to maintain the separate identity of Rural Areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns." The following are applicable policies:

**Policy 3.a.** of the Rural Area Goal states that, "Rural Areas shown by a Plan map shall generally retain their rural character with development consisting primarily of ranches, farms, and single-family homes on large lots; higher density development may occur at appropriate locations – within rural villages or planned communities. Overall gross densities shall not exceed one dwelling unit per acre. Rural Area density patterns shall be more specifically defined through lower rank planning."

**Policy 3.b** states that, "Development in Rural Areas shall be compatible with natural resource capacities, including water availability and capacity, community and regional goals and shall include trail corridors where appropriate."

**Policy 3.f** States that, "Development shall be carefully controlled in the East Mountain Area to prevent environmental deterioration, and to be compatible with the resource base and natural recreational and scenic assets."

### **East Mountain Area Plan**

#### *Water and Wastewater– 3*

##### **Goals**

- Maintain a dependable, quality water supply for the area.
- Minimize the potential for ground water pollution.

##### **Objectives**

- Conserve and enhance existing watershed areas.
- Provide greater emphasis on a total system approach to water resource management, recognizing the interrelationship between watershed quality, precipitation, recharge, storm water runoff, consumptive use, and septic tank effluent.

- Encourage maximum absorption of rainfall through the preservation of natural arroyos and the design of drainage facilities and properly engineered, designed and constructed conservation devices in all new developments.
- Encourage water harvesting and recharge/injection wells that meet state and EPA criteria to provide for aquifer recharge.
- Minimize public health threats and water quality degradation resulting from on-site wastewater disposal systems
- Encourage conservation, alternative technologies, and reuse/reclamation to reduce the potential for groundwater contamination and depletion.
- Encourage the use of alternative methods for collection, treatment, and disposal of wastewater effluent and residuals to reduce the potential for groundwater contamination.
- Require the use of appropriate technologies for on-site wastewater processing for private and community systems where feasible.
- Monitor existing water wells in the East Mountain Area for contamination, and strictly enforce sewage/wastewater disposal requirements to protect water quality.
- Revise the permit fees to fund an adequate inspection and enforcement, and remediation program for wastewater disposal systems.
- Bernalillo County Office of Environmental Health shall promote education of East Mountain Area residents on water conservation, contamination, and alternative technologies for water usage and wastewater disposal, solid waste disposal, and recycling.

#### Policies

- 3.1 Bernalillo County shall update ordinances governing the approval and construction of individual and community wastewater systems and discharge plans that meet the most current New Mexico Environment Department regulations.
- 3.2 Bernalillo County shall require that for new developments of 25 dwelling units or more, developers must provide connection to a centralized water system meeting all state sanitation requirements.
- 3.3 Bernalillo County shall require that for new developments of 25 dwelling units or more, developers and builders must provide either:
- connection to a regulated sewer system;
  - centralized collection and treatment of wastewater (including nitrogen removal);
  - approved alternative on-site non-discharging systems; or
  - conventional systems that meet the requirements specified in the most current Bernalillo County Wastewater Ordinance, *and* an acceptable hydrogeologic, soils, and slope report.
- 3.4 Any major subdivision in the East Mountain Area may be required to provide a study of the effects of the proposed development upon the groundwater supply of neighboring properties.
- 3.5 Bernalillo County shall actively seek grants, loans, Federal and State special appropriations to assist in the construction and customer connection and utilization of community water and wastewater systems in conformance with approved area plans, and seek to establish

public/private and intergovernmental agreements for continued operation, maintenance and administration of any publicly funded community water or wastewater systems.

- 3.6 In all areas determined by an on-site soil evaluation approved by Bernalillo County Office of Environmental Health as having moderate or severe restrictions on the development of wastewater disposal fields, whether for new building permits or subdivisions, the disposal fields must meet minimum county and state standards. In those soils where disposal fields are not recommended, an alternative system, which can be demonstrated to mitigate the adverse impacts of discharging sewage to the environment, must be provided.
- 3.7 Bernalillo County Public Works Division shall prepare a Wastewater Service Options Study for the East Mountain Area to include:
- A water and wastewater infrastructure study;
  - Evaluation of wastewater treatment options for the major subdivisions and population centers in the East Mountain Area;
  - Comparison of the costs and benefits of all wastewater treatment options as they pertain to specific development areas; and
  - Exploration of financing and management techniques for the various options.
- 3.8 Bernalillo County shall pursue the establishment of an incentive program (revolving loan fund, matching funds, grants) to promote the upgrade of existing septic systems to non-polluting alternatives in areas experiencing problems with septic tank effluent (groundwater pollution, well contamination, or public health hazard).
- 3.9 Bernalillo County Office of Environmental Health shall update the existing informational booklet on residential on-site wastewater systems.

#### Possible Techniques

- Bernalillo County shall update ordinances governing water and wastewater issues to be at least as stringent as the New Mexico Environment Department regulations.
- Bernalillo County shall prepare and adopt a Wastewater Services Option Plan for the East Mountains.
- Bernalillo County Public Works Division shall prepare an overall drainage management plan for the entire East Mountain Area.
- Bernalillo County shall provide the public with educational information about conventional and alternative water and wastewater system.
- Bernalillo County Office of Environmental Health shall continue tracking wastewater permits and shall monitor and evaluate the cumulative effect of wastewater systems.
- Developer shall install desiltation ponds downgradient from residential areas. Sheet flow from medians and roadside/parking lot plantings can be directed to drainage swales towards ponding areas, which can also serve as a small native vegetation park.
- Community water systems and shared wells shall be encouraged where appropriate.

*Visual Resources – 4*

Goal

- Maintain and improve the existing visual quality of the East Mountain Area.

Objectives

- Recognize the natural and visual environment, particularly features unique to the East Mountain Area as a significant determination in development decisions.

**Bernalillo County Zoning Ordinance**

**Resolution 116-86** defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. An error in the original zone map.
  - 2. Changed neighborhood conditions, which justifies a change in land use or
  - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:

1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

#### **Section 18. Special Use Permit Regulations.**

- A. By Special Use Permit after receipt of a recommendation from the Bernalillo County Planning Commission, the Board of County Commissioners may authorize the location of uses in any zone in which they are not permitted by other sections of this ordinance; the Bernalillo County Commission may likewise authorize the increase in height of buildings beyond the limits set by previous sections of this ordinance. With such permits, the Bernalillo County Commission may impose such conditions and limitations as it deems necessary:
1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located;
  2. To ensure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
  3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and



4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

### **Section 19: Landscaping and Buffer Landscaping Regulations:**

Where a nonresidential zone which is hereafter developed for a business purpose abuts a residentially zoned property, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
  1. Sites of one acre or less:
    - a. There shall be a landscaped setback along all streets of no less than ten feet.
    - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
    - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback shall contribute toward this requirement.
  2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of no less than 15 feet. All other requirements same as 1.b. and 1.c. above.
  3. Sites of five acres or more:
    - a. There shall be a landscaped setback along all streets of no less than 20 feet.
    - b. The landscaped setback shall not be counted toward the landscaping required as a result of paving.
    - c. All other requirements [shall be the] same as 1.b. and 1.c. above.
- B. In a nonresidential zone, a solid wall or a solid fence at least six feet high shall be erected on sides abutting a single family residential use, except for those sides abutting public right-of-way.
- E. Landscaping which dies shall be replaced by the property owner who is obligated to provide it as expeditiously as possible, but in no case longer than 30 days after notification. If the 30-day period falls at a time of the year when planting of landscaping is inadvisable, a waiver may be granted by the Zoning Administrator to allow planting at the earliest possible

time. The waiver and date of the planting deadline shall be recorded by the County Zoning Office.

G. Parking spaces within a parking lot shall be no more than 50 feet from a tree.

H. Nonconforming Landscaping. Premises which, when they were developed, were not required to be developed in accordance with the Landscaping and Buffer Landscaping Regulations Section of this ordinance, shall be made to conform with this regulation within two years due to the amendment of the map or text of this ordinance.

## **ANALYSIS:**

### **Surrounding Land Use and Zoning**

To the south, and west are Paa-Ko's residential properties. Most of these are vacant. To the north is an approximately 30-acre undeveloped property recognized as *Paako Ruins* and owned by the Regents of the UNM Real Estate Office. Immediately west is NM Highway 14 and Campbell Ranch.

### **Plans**

The Albuquerque/Bernalillo County Comprehensive Plan calls for the retention of rural character in the county's rural areas. It requires development and activities to be compatible with the area's natural resource capacities. The Water Quality policies calls for the provision of water and wastewater treatment systems for Bernalillo County residents. It also emphasizes the protection of groundwater quality through the use of adequate systems.

East Mountain Area Plan goals promote the management and conservation of natural and visual resources. A major concern in the East Mountain area is the capacity of the natural resources to support any development. The water and wastewater goals call for maintenance of water quality and the reduction of the potential for groundwater pollution.

### **Zoning Ordinance**

The proposed wastewater treatment system is a utility facility that can be accommodated by a Special Use Permit. It is more advantageous to the community to have a permitted wastewater system that can be monitored and maintained as this will ensure that groundwater will be protected.

### **Agency Comments**

Overall, agency staff recognize the need for a wastewater system in the Paako Master Plan area. However, Environmental Health staff requires that a Discharge Permit from the New Mexico Environment Department be obtained first. The Zoning Administrator asks for clarification of the off-street parking spaces as well as the landscape and visual buffers.

### **Conclusion**

A wastewater treatment plant that is designed and operated following Bernalillo County ordinances will serve existing and future residences of Paako and eliminate ground water pollution. Staff recommends approval of the request.

**RECOMMENDATION:**

**Approval** of CSU-60038 is based on the following Findings and subject to the following Conditions.

Mari Simbaña  
Program Planner

**FINDINGS:**

1. This request is for a Special Use Permit for a (Private) Utility Facility for a wastewater treatment plant, located on Tract B, Unit 1, Paa-Ko Village, west of North State Highway 14, south of the unplatted Regents of UNM and east of Lots 157 – 165, Unit 2, zoned A-2, containing approximately 24.93 acres.
2. The property is within the Rural Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.
3. The proposed wastewater system will replace the failing Constructed Wetlands approved in the original Master Plan (SDC-87-2).
4. This request is consistent with Resolution 116-86, in that this land use is more advantageous to the community because it will ensure a permitted wastewater system is put in place which will protect ground water quality as articulated in the Albuquerque/Bernalillo County Comprehensive Plan Water Quality Policy 2.b.
5. This request is consistent with the health, safety, and general welfare of the residents of the County.

**CONDITIONS:**

1. The applicant shall obtain a Discharge Permit from the New Mexico Environment Department and the office of Environmental Health.
2. Lighting shall be site-specific. Shielded or cutoff fixtures shall be provided so that no fugitive light crosses to adjacent lots.
3. A twenty (20) foot-wide landscape buffer shall be established along the east side of the property which is adjacent to NM Highway 14 and a six (6) foot-wide landscape buffer shall be established along the sides of the property which are adjacent to residential properties. The landscape shall be a mixture of native vegetation so as to blend in with the existing natural surroundings.
4. No outdoor speakers or amplified sound systems shall be permitted.
5. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
6. The Special Use Permit shall be issued for the life of the use.
7. The new wastewater system approved under this Special Use Permit shall be in operation within one year of final Board of County Commissioners approval hearing.
8. The foregoing Conditions shall become effective immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.

## **BERNALILLO COUNTY DEPARTMENT COMMENTS**

### **Zoning Administrator:**

This request seeks to amend an existing SUP (CSU-40036) to include a wastewater treatment plant. The proposed building appears to meet the underlying zoning standards for height, setbacks, separation and lighting. Clarification is requested for the surfacing (concrete or other bituminous material) and spacing (8? feet by 20 feet) of the off-street parking area, as well as landscape areas and visual screening to surround the building site.

### **Building Department**

No comment received

### **Environmental Health:**

Applicant has applied for discharge wastewater permits with the State of NM and Bernalillo County. Neither agency has approved the permit application.

This special use permit should be approved for this function. The waste water facility is a community necessity. This special use permit approval should be conditioned as such:  
"Approval of this special use permit is conditioned upon the eventual approval of the discharge permits from the State of NM and the Bernalillo County Office of EH. Construction shouldn't begin until final approval of the agencies noted."

### **Fire:**

No comment received

### **Zoning Department Manager:**

Based on the above comments there is no adverse comments at this time.  
Shall comply with conditions imposed by admendments to special use permit.

### **Public Works:**

#### **DRAN:**

1. This property is subject to the Bernalillo County Code Chapter 38 for flood damage prevention and storm drainage.
2. A grading and drainage plan, prepared by an engineer licensed in the State of New Mexico, approved by Bernalillo County Public Works Division is required of the entire site prior to any future development, and / or site regrading or resurfacing.
3. This property is subject to the National Pollution Discharge Elimination System as required by the Bernalillo County Code Chapter 38 Section 147. A Storm Water Pollution Prevention Plan (SWPPP) is required prior to any development.

#### **DRE:**

1. An access easement providing access to the site is required from Lot 161 and Lot 162 and the creation of this easement shall be made a condition of approval for this special use permit. The access road within this easement shall meet County Street Standards and shall provide adequate turnaround for emergency service vehicles.
2. Access off North Highway 14 shall require approval of the NMDOT.

Parks & Recreation:  
Reviewed, no comment.

Sheriff's:  
No comment received

### **COMMENTS FROM OTHER AGENCIES**

MRGCOG:  
No adverse comment.

AMAFCA:  
No comment.

City Planning:  
No adverse comments.

City Transportation:  
No adverse comments.

City Transit:  
No comment received.

City Open Space:  
No comment received.

NMDOT:  
Possible Impacted NMDOT roadway(s): Driveway permit required to access State roads.  
Departments Comments: Any work within the State R/W, requires a traffic control permit

APS:  
The request to construct a wastewater treatment plan for the Paa-Ko Subdivision in order to replace the failing constructed wetlands will have no adverse impacts to the APS district.

**NEIGHBORHOOD ASSOCIATION(S):**  
District 5 Coalition